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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,098	03/16/2004	Richard Springwater	SPRNG-01001US1	3232

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EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,098

Applicant(s)

SPRINGWATER, RICHARD

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-65 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 6-12, 14, 23, 28-34, 36 & 63-65 are drawn to an automatic parking system, classified in class 180, subclass 204 with respect to a proximity sensor, wheels, independent driving/steering, onboard computer and communication system.
 - II. Claims 1, 2-5 & 23-27 are drawn to an automatic parking system, classified in class 700, subclass 217 with respect to wireless computer, protocol, tracking, and circulation paths.
 - III. Claims 1, 15, 22-23, 37 & 43 are drawn to an automatic parking system, classified in class 414, subclass 231 with respect to lifting mechanism and entry station w/ dimensioner.
 - IV. Claims 1, 16-19, 23 & 38-40 are drawn to an automatic parking system, classified in class 414, subclass 253 with respect to bays w/ tire guides and stop and an access bay remover.
 - V. Claims 1, 13, 20, 21, 23, 35 & 41-42 are drawn to an automatic parking system, classified in class 320, subclass 109 with respect to battery and charger.
 - VI. Claims 44-54 are drawn to a transporter, classified in class 180, subclass 204.

VII. Claims 55-62 are drawn to a method of automatically moving a vehicle, classified in class 414, subclass 800.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a production environment delivering raw materials to production units whereas invention II has separate utility such as a wireless tracking systems could be used for a pallet carry-in management system as taught by US 5,475,604 to Nagamatsu. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a production environment delivering raw materials to production units whereas invention III has separate utility such as an automated materials storage system and method as taught by US 4,074,120 to Allred et al. See MPEP § 806.05(d).

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a production environment delivering raw materials to production units whereas invention IV has separate utility such as apparatus for loading automobiles into a cargo container as taught by US 4,919,582 to Bates et al. See MPEP § 806.05(d).

Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a production environment delivering raw materials to production units whereas invention V has separate utility such as a charger having secured power supplier and cable as taught by US 6,459,234 to Kajiura. See MPEP § 806.05(d).

Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a production environment delivering raw materials to production units whereas invention VI has separate utility such as a four-wheel passenger vehicle as taught by US 6,378,641 to Hanaoka et al. See MPEP § 806.05(d).

Inventions I and VII are related as apparatus and process for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process: (MPEP § 806.05(e)). In this case the process could be practiced by use of an operator driven forklift truck carrying vehicles to and from a storage location, or the automatic parking system having proximity sensor, wheels, independent driving/steering, onboard computer and communication system could be used to deliver semiconductor wafers in a semiconductor manufacturing facility.

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a wireless GPS system to track a freight type vehicle in an interstate delivery system whereas invention III has separate utility such as an automated materials storage system and method as taught by US 4,074,120 to Allred et al. See MPEP § 806.05(d).

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a wireless GPS system to track a freight type vehicle in an interstate delivery system as taught by US 5,475,604 to Nagamatsu whereas invention IV has separate utility such as apparatus for loading automobiles into a cargo container as taught by US 4,919,582 to Bates et al. See MPEP § 806.05(d).

Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a wireless GPS system to track a freight type vehicle in an interstate delivery system as taught by US 5,475,604 to Nagamatsu whereas invention V has separate utility such as a charger having secured power supplier and cable as taught by US 6,459,234 to Kajiura. See MPEP § 806.05(d).

Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

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shown to be separately usable In the instant case, invention II has separate utility such as in a wireless GPS system to track a freight type vehicle in an interstate delivery system whereas invention VI has separate utility as a four-wheel passenger vehicle as taught by US 6,378,641 to Hanaoka et al. See MPEP § 806.05(d).

Inventions II and VII are related as apparatus and process for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process could be practiced by use of an operator driven forklift truck carrying vehicles to and from a storage location, or invention II could be used to track via a wireless GPS system a freight type vehicle in an interstate delivery system.

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as an automated materials storage system and method as taught by US 4,074,120 to Allred et al. whereas invention IV has separate utility such as apparatus for loading automobiles into a cargo container as taught by US 4,919,582 to Bates et al. See MPEP § 806.05(d).

Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility

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such as an automated materials storage system and method as taught by US 4,074,120 to Allred et al. whereas invention V has separate utility such as a charger having secured power supplier and cable as taught by US 6,459,234 to Kajiura. See MPEP § 806.05(d).

Inventions III and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as an automated materials storage system and method as taught by US 4,074,120 to Allred et al. whereas invention VI has separate utility such as a four-wheel passenger vehicle as taught by US 6,378,641 to Hanaoka et al. See MPEP § 806.05(d).

Inventions III and VII are related as apparatus and process for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process could be practiced by use of an operator driven forklift truck carrying vehicles to and from a storage location, or invention III has separate utility such as an automated materials storage system and method as taught by US 4,074,120 to Allred et al.

Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as apparatus for loading automobiles into a cargo container as taught by US

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4,919,582 to Bates et al. whereas invention V has separate utility such as a charger having secured power supplier and cable as taught by US 6,459,234 to Kajiura. See MPEP § 806.05(d).

Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as apparatus for loading automobiles into a cargo container as taught by US 4,919,582 to Bates et al. whereas invention VI has separate utility such as a four-wheel passenger vehicle as taught by US 6,378,641 to Hanaoka et al. See MPEP § 806.05(d).

Inventions IV and VII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process could be practiced by use of an operator driven forklift truck carrying vehicles to and from a storage location, or the apparatus could be used to deliver semiconductor wafers in a semiconductor manufacturing facility whereas invention IV has separate utility such as for loading automobiles into a cargo container as taught by US 4,919,582 to Bates et al.

Inventions V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such

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as such as a charger having secured power supplier and cable as taught by US 6,459,234 to Kajiura whereas a transporter has separate utility such as a four-wheel passenger vehicle as taught by US 6,378,641 to Hanaoka et al. See MPEP § 806.05(d).

Inventions V and VII are related as and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process could be practiced by use of a propane driven fork-truck carrying vehicles to and from a storage location.

Inventions VII and VI are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method could be practiced by use of an operator driven forklift truck carrying the vehicles to and from a storage location, or the apparatus could be used to deliver semiconductor wafers in a semiconductor manufacturing facility or as a four-wheel passenger vehicle as taught by US 6,378,641 to Hanaoka et al.

In addition, because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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A telephone call was made to the office of Martin C. Fliesler, in the office of Fliesler Meyer LLP, on March 14, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Conclusion


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gwa 7/11/05


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PRIMARY EXAMINER